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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,939	04/16/2004	Daniel Watchulonis	3042-101	9022
7590	10/05/2004			
Jessica Costa The Law Office of Jessica Costa, PC 501 Collings Avenue Collingswood, NJ 08107-1607			EXAMINER LEE, Y MY QUACH	
			ART UNIT 2875	PAPER NUMBER

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/825,939

Applicant(s)

WATCHULONIS, DANIEL

Examiner

Y Quach Lee

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-14 is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2875

***DETAILED ACTION******Drawings***

1. The drawing figure 2 is objected to under 37 CFR 1.83(a) because it fails to show the structure of the hooks 35a, 35b engaging to the concentric ring 5a of the shade as described in the specification. Drawing figure 1A shows a XZ plane cross sectional view of the hooks 32a, 32b, 35a, 35b while drawing figure 2 merely pointing at the elements 35a, 35b, 5a, 5b. However, the structure of the hooks 35a, 35b **engaging** the concentric ring 5a, and the structures of the hooks engaging and springably slip over the opening concentric ring 5b are not clearly shown and therefore not understood. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the reference character (112) mentioned in the description.
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the feature of “a plurality of ribs and flexible material attached to the ribs” as claimed in claims 2, 9, 11 and 13, and the feature of “a clamp which clamps at least a portion of said socket assembly which comprises said threaded light bulb socket” as claimed in claim 7 must be shown or the feature(s) canceled from the claim(s). Note that both drawing figures 5A and 5B show the clamp bases 110a and 110b clamp the power cord 26 not the socket assembly 104. No new matter should be entered.
4. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted

Art Unit: 2875

by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

5. Claim 4 is objected to because of the following informalities: In claim 4, the language “at least one extension arm having a first end attached to ... said socket assembly base” is incorrect. In view of drawing figures 1A and page 6, lines 20 to 22, the extension arms 34a, 34b are attached at their first ends on to the hooks 32a, 32b not the socket assembly base. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 to 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Babineaux (5,893,636).

Babineaux shows a socket assembly comprising a base (34), a threaded light bulb socket (figure 3, the socket between 34 and 13) attached to the base, a power cord (15, figures 1 to 3) electrically attached to the socket, a mounting stud (14) attached to the socket assembly, a spreading frame (16, 38) fixedly attached to the mounting stud for holding a light shade (12) in a fixed position, the shade comprising a collapsible accordion style lantern shade having a plurality of ribs (20) and flexible material attached to the ribs to allow the shade to expand from a collapsed position to an expanded position, and the spreading frame configured to be insertable into the shade to expand the shade to the expanded position and to retain the shade in the expanded position.

8. Claims 1 to 3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Noguchi.

Noguchi shows a socket assembly comprising a base (52), a threaded light bulb socket (43) attached to the base, a power cord (28) electrically attached to the socket, a mounting stud (29, 46) attached to the socket assembly and comprised of a hollow cylindrical tube, the power cord threaded through the tube, a spreading frame (49, 50, 51, 52, 53, 56) fixedly attached to the mounting stud for holding a light shade (10, 40) in a fixed position, the shade comprising a

Art Unit: 2875

collapsible accordion style lantern shade having a plurality of ribs (41, 42) and flexible material attached to the ribs to allow the shade to expand from a collapsed position to an expanded position, and the spreading frame configured to be insertable into the shade to expand the shade to the expanded position and to retain the shade in the expanded position.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Babineaux (5,893,636) in view of Moser.

Babineaux discloses the invention substantially as claimed including at least one extension arm (40) having a first end extending from the socket base assembly, at least one retaining mechanism (30) attached at the second end of the extension arm with the exception of having at least one hook positioned in proximity to the socket assembly base.

Moser teaches at least one hook (figures 1 to 2) of an extension arm (8) positioned proximity to the socket assembly base (6) for connecting to the base.

It would have been obvious to one skilled in the art to provide the extension arm of Babineaux with at least one hook, as shown by Moser, for facilitating the connection of the extension arm to the base.

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Babineaux (5,893,636) in view of Noguchi.

Babineaux discloses the invention substantially as claimed with the exception of having the mounting stud comprised of a hollow tube and the power cord threaded through the tube.

Noguchi teaches a mounting stub (29) comprised of a hollow tube and a power cord (28) threaded through the tube.

It would have been obvious to one skilled in the art to comprise the mounting stud of Babineaux hollow tube, as shown by Noguchi, so that the power cord can threaded through the tube since both references are directed to a collapsible lantern type of electric lamp.

Art Unit: 2875

12. Claims 6 to 14 are allowed.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Babineaux (5,791,773), Borowitz, Huang and Hofer et al. are cited to show other pertinent spreading frames for holding collapsible lamp shades with mounting studs, and clamps which clamps on a lamp socket and a power cord.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service 571-272-2815

Y. Q.  
September 28, 2004



Y Quach Lee  
Primary Examiner  
Art Unit 2875